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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,195	02/12/2004	Neil Edwin Siewert		2750

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,195

Applicant(s)

SEWERT, NEIL EDWIN

Examiner

Giovanna M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because they are unclear and very hard to understand.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1-21" has been used to designate several different elements.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensory and processing means to detect and analyze emissions and means to capture emissions as recited in claims 5 and 6, respectively, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because the copyright designation is improper. According to 37 CFR 1.84 (s), a copyright or mask work notice may appear in the drawing, but must be placed within the sight of the drawing immediately below the figure representing the copyright or mask work material and be limited to letters having a print size of 32 cm. to 64 cm. (1/8 to 1/4 inches) high. The content of the notice must be limited to only those elements provided for by law. For example, "©1983 John Doe" (17 U.S.C. 401) and "*M* John Doe" (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively.

Inclusion of a copyright or mask work notice will be permitted only if the

authorization language set forth in § 1.71(e) is included at the beginning (preferably as the first paragraph) of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: A separate listing of the reference numbers for the drawings is improper. The reference numbers should be included in the written disclosure.

Appropriate correction is required.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states,

"the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claim 20 is objected to because of the following informalities: In line 1 of claim 20, the phrase "according to claim 22" should be changed to the phrase - - according to claim 19 - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-25 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The applicant also appears to be claiming several different embodiments in one claim. For example, the applicant claims a pack off system that only uses air or gasses and a pack off system that can use air, gases or hydraulic pressure. It also appears the

applicant claims one and a multiple amount of pack off heads in the same claim. If the applicant wishes to claim a plurality of systems then separate claims should be used.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stone 2,038,140.

As best understood by the examiner, Stone discloses (fig. 1) a pack system and apparatus comprising a pack off head (10) is attached to pipes (at 24) used for conveying petroleum, a pliable material (34) having a passages through with a length of material (11) has access to pass through into the pipes, pressure agents (coming from 51) that drive the pack off head and are derived from outside of the pipes (page 3, lines 26-28), the pliable material forms seals with the length of material.

Referring to claim 2, Stone discloses the length of material (at 11) is capable of being used in a job that involves the movement of tool apparatus within an oil well.

Referring to claim,3 Stone discloses the length of material (at 11) is capable of being used in a job that involves the movement of tool apparatus within the pipes attached to a further set of pipes that control the flow natural resources.

Referring to claim 4, Stone disclose the pack off head (10) is tooled or molded to receive fittings (at 23).

Referring to claims 7 and 8, Stone discloses the pack off head has a hermetically sealed chamber (see fig. 4, at 36) to receive and release pressure agents.

Referring to claims 9 and 10, Stone discloses the pack off head has an air bag (34) that inflates and deflates and adjusts a pliable circular material around the length of material.

Referring to claim 11, Stone discloses (see fig. 4) the pack apparatus and chamber have been tooled or molded for a means of opening and closing securely.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '140 in view of Marshall H1676.

Stone does not disclose a sensory and processing means to capture emissions. Marshall teaches (fig. 1) a sensory and processing means (at 2) to detect emissions. Marshall teaches these types of systems help detect a potential environmental or safety problem early and stop operations as needed (col. 4, lines 53-60). As it would be advantageous to detect emissions early and disable equipment as needed, , it would be

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obvious to one of ordinary skill in the art to modify the apparatus disclosed by Stone to have sensory and processing means in view of the teachings of Marshall.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '140 in view of Walker 5,394,939.

Stone does not disclose a sensory and processing means to capture emissions. Walker teaches (fig. 1) a means to capture emissions at a well head. Walker teaches due to harsh environment the seals sometimes erode and allow oil to escape to the nearby environment and the regulatory agencies have strict rules against these types of occurrences (col. 1, lines 29-36). As it would be advantageous to prevent emissions from escaping to the nearby environment, it would be obvious to one of ordinary skill in the art to modify the apparatus disclosed by Stone to have a means to capture emissions in view of the teachings of Walker.

7. Claims 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '140 in Reitz 2003/0183394.

Referring to claim 12, Stone does not disclose a means for compressing a pressure agent. Reitz teaches (fig. 1) a compressor (32) can be used to compress a gas and send to a well. As one of ordinary skill in the art would be familiar with a compressor to compress a gas, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Stone to have a means for compressing the pressure agent in view of the teachings of Reitz.

Referring to claims 13-14, Stone does not disclose means for controlling application of the pressure agents. Reitz teaches an electronic control valve (108) can be used to control the amount of gas sent to a well. As it would be advantageous to have control over how much gas is sent to the well, it would be obvious to one of ordinary skill in the art to modify the system disclosed by Stone to have an electronic control valve in view of the teachings of Reitz.

Referring to claim 15, Reitz teaches the control valve (108) has means (118) for receiving and sending communication data.

Referring to claims 16-17 and 19, Stone does not disclose a measuring means. Reitz teaches an electronic pressure sensor (84) that measures in kilopascals or pounds per square inch. As it would be advantageous to have a pressure sensor to ensure the gas is not introduced at too high a pressure, it would be obvious to one of ordinary skill in the art to modify the system disclosed by Stone to have pressure sensor in view of the teachings of Reitz.

Referring to claims 18 and 20, Stone, as modified by Reitz, does not specifically disclose a display to show measuring means units. However, many controllers include displays for operators to visually see what is happening in a well. As it would be advantageous to see for operators to visually see what is happening in a well, it would be obvious to one of ordinary skill in the art to further modify the system disclosed by Stone, as modified by Reitz to have a display.

Referring to claims 21-23, Reitz teaches a means for processing data (92), means for transmitting data (90,91,118).

Referring to claim 24, Reitz teaches means (92) that receives data and sends control data has program parameter for analyzing pressure data (paragraph 0039).

Referring to claim 25, Reitz teaches dais is analyzed to transmit instructions of automatic application or release of pressure (paragraph 0039).

Conclusion

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gmc


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